IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 125 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARIBHAI NATHALAL DAVE - Appellant(s)
Versus
SHANTILAL KALIDAS CHHATBAR - Defendant(s)

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Appearance :
MR AJ PATEL for Appellant(s) : 1,
NOTICE NOT RECD BACK for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 17/08/2006

ORAL JUDGMENT

In response to the notice issued by this Court vide order dated 28.7.2006, one Shri Jayendra Shantilal Chhatbar, Son of original-respondent-plaintiff, is personally present in the Court and has submitted that the sole-respondent Shri Shantilal Kalidas Chhatbar has expired on 8.12.1999; and that the appellant is in

knowledge and aware of the death of Shantilal Kalidas Chhatbar. Though the sole-respondent has expired on 8.12.1999, no steps are taken by the appellant to bring the heirs of Shantilal Kalidas Chhatbar on record. Hence, the present Appeal is abated. Accordingly, the Appeal is dismissed as having been abated. The xerox copy of Death Certificate of the said Shri Shantilal Kalidas Chhatbar produced before this Court is directed to be taken on record. No costs. Ad-interim relief stands vacated forthwith.

[M.R. Shah, J.]

rmr.